

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION, AT COOKEVILLE**

**THOMAS ROBERTS, and,
KRISTY ROBERTS,**

Plaintiffs,

V.

ALLSTATE INSURANCE COMPANY,

Defendant.

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Case No. _____

Judge: _____

Magistrate: _____

Jury Demand

NOTICE OF REMOVAL OF CIVIL ACTION

Comes now the Defendant, Allstate Insurance Company (hereinafter referred to as "Allstate"), pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and hereby gives Notice of Removal of this Civil Action from the Circuit Court for Cumberland County, Tennessee, to the United States District Court for the Middle District of Tennessee, Northeastern Division, at Cookeville, Tennessee, and states as follows:

1. On or about December 15, 2008, Plaintiffs, Thomas Roberts and Kristy Roberts, filed a Complaint against Allstate Insurance Company in the Thirteenth Judicial District of Tennessee, Circuit Court of Cumberland County, under Case Number CV005007, (a copy of which is attached hereto as "Exhibit A.")

2. On January 9, 2009, the C. T. Corporation System of Knoxville, Tennessee, received service of process by receiving a copy of the Complaint via certified correspondence. C. T. Corporation subsequently transferred a copy of the Complaint to Allstate Insurance Company,

wherein it was stamped "Received" on January 12, 2009. No proceedings on the Complaint have transpired in the Cumberland County Circuit Court.

3. In a case such as this one, the U. S. District Court has jurisdiction "where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between – (1) citizens of different States;" 28 U.S.C. § 1332(a).

4. The Plaintiffs, Thomas Roberts and Kristy Roberts, are, and were at all times relevant to this action, residents and citizen of Cumberland County, Tennessee.

5. Allstate Insurance Company is incorporated in Northbrook, Illinois, with its principal place of business in Northbrook, Illinois, and is licensed and authorized to do business in the State of Tennessee.

6. The Complaint filed by Plaintiffs, Thomas Roberts and Kristy Roberts, seeks damages related to the alleged breach of contract for insurance, demanding compensation for real and personal property, violation of the bad faith provisions of the Tennessee Code, pre-judgment interest, all additional living expenses incurred by the Plaintiffs, debris removal expenses, costs, expenses, and attorney's fees associated within this litigation, and further relief to which Plaintiffs may be entitled, in significant excess of the sum or value of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

7. There is a complete diversity of citizenship between Plaintiffs, Thomas Roberts and Kristy Roberts, and Defendant, Allstate Insurance Company, and the amount in controversy in this case, exclusive of interests and costs, exceeds the Seventy-Five Thousand and 00/100 Dollar (\$75,000.00) threshold. This Court has original jurisdiction of this case pursuant to 28 U.S.C.A. § 1332.

8. Allstate Insurance Company has filed a copy of this Notice with the Circuit Court for Cumberland County, Tennessee, and has also served a copy on the attorney for the Plaintiffs, Thomas Roberts and Kristy Roberts, Howard L. Upchurch.

9. Counsel for Allstate Insurance Company, Michele E. Cooper, is duly licensed to practice in the United States District Court for the Middle District of Tennessee, and is an attorney in Good Standing with the Middle District.

WHEREFORE, Defendant, Allstate Insurance Company, requests this action be removed from the Circuit Court for Cumberland County, Tennessee, to the United States District Court for the Middle District of Tennessee, Northeastern Division, at Cookeville.

We respectfully demand a jury of six (6) to hear this matter.

Respectfully submitted,

MILLS & COOPER

/s/ Michele E. Cooper

**MICHELE E. COOPER, BPR # 17312
5042 Thoroughbred Lane, Suite A
Brentwood, TN 37027
(615) 221-8218**

**ATTORNEY FOR DEFENDANT,
ALLSTATE INDEMNITY COMPANY**

CERTIFICATE OF SERVICE

I hereby certify on this, the 5th day of February, 2009, a true and exact copy of the foregoing was sent via first class mail, postage prepaid, to the following:

Howard L. Upchurch
Attorney for Thomas Roberts and Kristy Roberts
P. O. Box 381
Pikeville, TN 37367

/s/ Michele E. Cooper

MICHELE E. COOPER